

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

- v. -

ANTHONY RODRIGUEZ,

Defendant.

-----X

ORDER

15 Cr. 076 (VM)

WHEREAS, with the defendant's consent, his guilty plea allocation was taken before a United States Magistrate Judge on November 30, 2015;

WHEREAS, a transcript of the allocation was made and thereafter was transmitted to the District Court; and


WHEREAS, upon review of that transcript, this Court has determined that the defendant entered the guilty plea knowingly and voluntarily and that there was a factual basis for the guilty plea;

IT IS HEREBY ORDERED that the defendant's guilty plea is accepted.

SO ORDERED:

Dated: New York, New York

9 December 2015


HONORABLE VICTOR MARRERO
UNITED STATES DISTRICT JUDGE

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

15 Cr. 76 VM SN

5 ANTHONY RODRIGUEZ,

6 Defendant.

7 -----x

8
9 November 30, 2015
10 11:17 a.m.

11
12 Before:

13 HON. SARAH NETBURN,

14 U.S. Magistrate Judge

15
16 APPEARANCES

17
18 PREET BHARARA,

19 United States Attorney for the
20 Southern District of New York

ALEX ROSSMILLER,

Assistant United States Attorney

21
22 JASON RICHLAND,

23 Attorney for defendant Rodriguez

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1 (In open court)

2 (Case called)

3 THE COURT: Good morning, everybody. Please be
4 seated. Good morning, Mr. Rodriguez. My name is Judge
5 Netburn.

6 Mr. Rodriguez, I have before me a Consent to Proceed
7 Before a United States Magistrate Judge on a Felony Plea
8 Allocution that you have signed. What this form says is
9 knowing you have the right to have this plea taken by a United
10 States District Judge, are agreeing to have this plea taken by
11 me, a United States Magistrate Judge. Is that correct?

12 THE DEFENDANT: Correct.

13 THE COURT: Before you signed this form, did your
14 lawyer explain it to you?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: It is accepted.

17 I have before me an indictment. It charges you with
18 one count of conspiracy to distribute narcotics, in violation
19 of Title 21 of the United States Code, Section 846. I
20 understand that you have decided to change your plea and enter
21 a plea of guilty as to certain charges. That is correct?

22 THE DEFENDANT: Correct.

23 THE COURT: Before deciding whether to accept your
24 guilty plea, I am going to ask you certain questions. It is
25 very important that you answer these questions honestly and

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1 completely. The purpose of these proceedings is to make sure
2 that you understand your rights, to decide whether you are
3 pleading guilty of your own free will, and to make sure you are
4 pleading guilty because are guilty and not for some other
5 reason. Do you understand what I am saying?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: If you don't understand any of these
8 questions or at any time you want to consult with your
9 attorney, please say so because it is important that you
10 understand every question before you answer it.

11 Will you do that?

12 THE DEFENDANT: Yes.

13 THE COURT: Will you swear the defendant.

14 (The defendant was duly sworn)

15 THE COURT: Mr. Rodriguez, what is your full name?

16 THE DEFENDANT: Anthony William Rodriguez.

17 THE COURT: How old are you?

18 THE DEFENDANT: 24.

19 THE COURT: Are you a United States Citizen?

20 THE DEFENDANT: Yes.

21 THE COURT: How far did you go in school?

22 THE DEFENDANT: I completed my GED.

23 THE COURT: You completed your GED?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Are you currently or have you recently

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1 been under the care of a doctor or a psychiatrist for any
2 reason?

3 THE DEFENDANT: A doctor, yes.

4 THE COURT: For medical condition?

5 THE DEFENDANT: Yes, I have a tumor on my spinal cord.

6 THE COURT: Are you taking any medication -- sorry to
7 hear that -- are you taking any medication or pills or
8 undergoing any treatment that affects your memory or your
9 ability to answer my questions honestly and completely?

10 THE DEFENDANT: No.

11 THE COURT: Other than the medication that you may be
12 taking for that treatment, have you consumed any mind-altering
13 drugs, medicine or pills or any alcohol in the last 24 hours?

14 THE DEFENDANT: No.

15 THE COURT: Is your mind clear today?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you understand what is going on in
18 these proceedings?

19 THE DEFENDANT: Yes.

20 THE COURT: Does either counsel have any objection to
21 the defendant's competence to enter a guilty plea at this time?

22 MR. ROSSMILLER: No, your Honor.

23 MR. RICHLAND: No, your Honor.

24 THE COURT: Sir, have you received a copy of the
25 written version of the charges against you in this case known

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1 as the indictment?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Have you read it?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you understand what it says?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand that you have been
8 charged generally with a felony offense for conspiracy to
9 distribute narcotics, in violation of Title 18 of the United
10 States Code, Section 846?

11 And that specifically you have been charged with
12 distributing, or possessing with intent to distribute, one
13 kilogram or more of mixtures and substances containing a
14 detectable amount of heroin, in violation of Title 21 of the
15 United States Code, Section 841 (b) (1) (A), and five kilograms
16 or more of substances containing a detectable amount of
17 cocaine, in violation of Title 21 of the United States Code,
18 Section 841 (b) (1) (A). Is that correct?

19 THE DEFENDANT: Yes.

20 THE COURT: Have you had time to talk to your attorney
21 about these charges and about how you wish to plead?

22 THE DEFENDANT: Yes, I did.

23 THE COURT: Have you discussed with him the charges
24 against you, including the charge you intend to plead guilty to
25 as well as any other charges in the case?

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1 THE DEFENDANT: Yes.

2 THE COURT: Has he told you the consequences of
3 pleading guilty?

4 THE DEFENDANT: Yes.

5 THE COURT: You are you satisfied with your attorney's
6 representation of you?

7 THE DEFENDANT: Yes.

8 THE COURT: I am now going to explain certain
9 constitutional rights that you have. These are rights that you
10 will be giving up if you enter a guilty plea. Please listen
11 carefully to what I am about to to say. If you don't
12 understand something, please stop me and your attorney or I
13 will explain the matter more fully, okay?

14 THE DEFENDANT: Yes.

15 THE COURT: Under the Constitution and the laws of the
16 United States, you have the right to plead not guilty to the
17 charges contained in this indictment. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: If you pled not guilty, you would be
20 entitled under the Constitution to a speedy and public trial by
21 a jury of those charges. At that trial you would be presumed
22 innocent, and the government would be required to prove you
23 guilty beyond a reasonable doubt before you could be found
24 guilty. That means you would not have to prove that you were
25 innocent and you would not be convicted unless a jury of twelve

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1 people agreed unanimously that you are guilty beyond a
2 reasonable doubt. Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: If you decide to go to trial, at that
5 trial and at every stage of your case you would have the right
6 to be represented by an attorney. If you cannot afford an
7 attorney, one would be appointed to represent you at the
8 government's expense and at no cost to you.

9 If you have retained counsel and ran out of money, an
10 attorney would be appointed to continue to represent you. If
11 an attorney is appointed, that attorney is appointed to handle
12 your case all the way through trial and not just for a guilty
13 plea, so your decision to plead guilty here today should not
14 depend on whether you can afford to hire an attorney. Do you
15 understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: During the trial, the witnesses for the
18 prosecution would have to come to court and testify in your
19 presence, where you could see and hear them and your lawyer
20 could cross-examine those witnesses.

21 If you wanted, your lawyer could offer evidence on
22 your behalf. You would be able to use the court's power to
23 compel witnesses to come to court and testify in your defense
24 even if they did not want to come. Do you understand that?

25 THE DEFENDANT: Yes.

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1 THE COURT: At a trial you would have the right to
2 testify in your own defense if you wanted to, but you would
3 also have the right not to testify, and if you chose not to
4 testify, that could not be used against you in any way and no
5 inference or suggestion of guilt could be made from the fact
6 you did not testify. Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: If you were convicted at trial, you would
9 have the right to appeal that verdict to a higher court. Do
10 you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: As I said before, you have the right to
13 plead not guilty. Even right now even as you sit here today
14 for the purposes of entering a guilty plea, you have the right
15 to change your mind, persist in your not guilty plea and
16 proceed to trial. If you do plead guilty, and I accept your
17 plea, you will give up a trial and all of the other rights I
18 have just described. If you plead guilty, there will be no
19 trial. All that will remain to be done will be to impose a
20 sentence.

21 You and the government will have a chance to make
22 arguments what that sentence should be, but there will not be
23 any further trial to determine whether you are guilty or not
24 guilty of the charge to which you pled guilty. Do you
25 understand that?

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1 THE DEFENDANT: Yes.

2 THE COURT: Do you understand the decision as to the
3 appropriate sentence in your case will be entirely up to the
4 sentencing judge and that that judge will be limited only by
5 what the law requires. This means even if you are surprised or
6 disappointed by your sentence, you will still be bound by your
7 guilty plea. Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Finally, if you do plead guilty, you are
10 giving up the right not to incriminate yourself, and I will ask
11 you questions about what you did in order to satisfy myself
12 that you are actually guilty. By pleading guilty, you will be
13 admitting your factual as well as legal guilt. Do you
14 understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: You said earlier you read the indictment
17 containing the charges against you and that you understand what
18 those charges are.

19 I am now going to ask the Assistant United States
20 Attorney to state the elements of those charges. The elements
21 are the things that the government would have to prove beyond a
22 reasonable doubt if the case were to proceed to trial.

23 MR. ROSSMILLER: The government would have to prove at
24 trial that in violating Title 21, Section 846, the defendant
25 between February 2014 and February 2015 agreed with others to

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1 violate the drug laws of the United States and did so in the
2 Southern District of New York.

3 THE COURT: As I understand, in this charge the
4 defendant is intending to plead guilty with respect to
5 distribution, and possession with intent to distribute, of
6 cocaine and as a result, for his plea that he will not be
7 further criminally prosecuted for possession or distribution of
8 oxycodone during the same time period.

9 Is that correct?

10 MR. ROSSMILLER: Your Honor, I think that might have
11 been a typo. The original indictment included a mention of
12 heroin and cocaine. I thought that we had -- I realize we have
13 a typo in the plea agreement that I thought was corrected.

14 THE COURT: It looks like I have two plea agreements
15 with the same date. It makes it a little bit confusing. The
16 one everybody has signed does indicate that it is -- let's see
17 here. It says that Count 1 charges him with possession of
18 cocaine, in violation of 841 (b)(1)(C), and in Paragraph 3 it
19 says in consideration for his plea, he will not be further
20 prosecuted for conspiracy to distribute, and possess with
21 intent to distribute, cocaine during the same period of time.

22 It very well may be I am not following something, but
23 I am not following something.

24 MR. ROSSMILLER: Your Honor, I think we, my office may
25 have sent the court an agreement that had that typo in it

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1 originally. We did replace it I think in a subsequent e-mail
2 and also replaced it in the version that was signed by the
3 defendant and defense counsel today and for which there is
4 another, there should be another original copy. I believe
5 unless I am --

6 THE COURT: Can you explain to me, even looking at the
7 copy that was signed, it indicates that, it looks like, appears
8 he is being charged with conspiracy to possess, with intent to
9 distribute, cocaine. Then in consideration for the plea, he is
10 not going to be further prosecuted for cocaine?

11 It seems a little bit unusual. Are there two drugs at
12 issue in this charge?

13 MR. ROSSMILLER: There were originally cocaine and
14 heroin, your Honor. I think my understanding is we generally
15 included he won't be prosecuted for any other or additional
16 involvement other than what he is pleading guilty to today.

17 THE COURT: Is he going to be --

18 MR. RICHLAND: Your Honor, I think it is my -- it is
19 getting tricky here. First I hope you can accept my
20 representation there is no involvement in oxycodone, which is
21 what you originally read, which leads me to believe you have an
22 outdated copy of the plea agreement. I have another one here.

23 THE COURT: I have the one everyone signed, so I
24 assume this is the correct one.

25 MR. RICHLAND: That sounds about right. I have four

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1 copies of the same here. The plea agreement is a weight limit
2 basically to give a plea to (b)(1)(C) instead of (b)(1)(A),
3 (b)(1)(A) being mandatory minimum and (b)(1)(C) having none.

4 Maybe the government's language is a little bit
5 confusing, but I think the agreement is to not further
6 prosecute for any additional cocaine beyond what has been
7 agreed upon.

8 THE COURT: Beyond the (b)(1)(C) weight?

9 MR. ROSSMILLER: That is my understanding as well.

10 THE COURT: Heroin was never an issue?

11 MR. ROSSMILLER: Correct, your Honor.

12 MR. RICHLAND: Heroin may have been an issue at some
13 point earlier in the case, but as of now, it is no longer an
14 issue.

15 THE COURT: Is there any risk he will be further
16 prosecuted for the heroin charged in the indictment?

17 MR. ROSSMILLER: I don't believe the government or the
18 defense believes there is any risk of that, your Honor.

19 MR. RICHLAND: I think this plea is in full
20 satisfaction of Indictment 15 Cr. 76.

21 THE COURT: Okay.

22 MR. ROSSMILLER: Thank your Honor.

23 THE COURT: If it is on the record that is the case,
24 then I will accept that. I am sorry, Mr. Rodriguez, but I
25 wanted to make sure we understood exactly what is going on

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1 here. This is obviously very important.

2 THE DEFENDANT: Understood.

3 THE COURT: The Assistant just set forth the elements
4 of the charge. What I want to do now is explain to you the
5 maximum possible penalty for that crime.

6 The maximum means the most that could possibly be
7 imposed. It does not necessarily mean this is what you will
8 receive, but you have to understand by pleading guilty here
9 today, you are exposing yourself to any combination of
10 punishments up to the maximum I am about to describe.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: The maximum term of imprisonment for this
14 crime is 20 years, followed by a maximum term of supervised
15 release of life, and there is a mandatory-minimum term of
16 supervised release for three years.

17 "Supervised release" means if you're sentenced to
18 prison and thereafter released from prison, you may be subject
19 to supervision by the Probation Office. You should understand
20 if you are placed on supervised release and thereafter violate
21 any of the terms or conditions of that release, the District
22 Judge may revoke the term of supervised release previously
23 imposed and return you to prison without giving you any credit
24 for the time you spent on post-release supervision.

25 Do you understand that?

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1 THE DEFENDANT: Yes.

2 THE COURT: In addition to these restrictions on your
3 liberty, the maximum possible penalty also includes certain
4 financial penalties. In this case, the maximum possible
5 financial penalty is the greatest of \$1 million or twice what
6 was made by the criminal activity or twice what someone other
7 than yourself lost because of the criminal activity.

8 In light of the severity of that possible fine, it may
9 seem trivial to mention it, but I am required to law to tell
10 you there is also a mandatory minimum fine or special
11 assessment of \$100.00 that must be imposed for the count of
12 conviction. Has anyone threatened you or coerced you in any
13 way to get you to plead guilty?

14 THE DEFENDANT: No.

15 THE COURT: Has anyone other than the prosecution
16 promised or offered you anything to get you to plead guilty?

17 THE DEFENDANT: No.

18 THE COURT: I understand there is an agreement between
19 you and the government concerning this plea. Is that correct?

20 THE DEFENDANT: Correct.

21 THE COURT: Did you sign this agreement?

22 THE DEFENDANT: Yes.

23 THE COURT: Did you read it before you signed it?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you understand its terms?

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1 THE DEFENDANT: Yes.

2 THE COURT: It appears that you and the government
3 have agreed as to the appropriate calculations of your sentence
4 under the sentencing guidelines. Is that correct?

5 THE DEFENDANT: Correct.

6 THE COURT: You have agreed that the appropriate
7 stipulated guidelines range is between 15 to 21 months
8 imprisonment. Is that correct?

9 THE DEFENDANT: Correct.

10 THE COURT: You understand that in this agreement, you
11 provide that neither party will seek a departure or an
12 adjustment pursuant to the guidelines of that range. Do you
13 understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: The parties, however, may seek a sentence
16 outside of the stipulated guidelines range based on the
17 sentencing factors that the court is required to consider in
18 imposing your sentence. Do you understand that as well?

19 THE DEFENDANT: Yes.

20 THE COURT: In addition, I understand you and the
21 government have stipulated that the appropriate fine range is
22 between \$3,000 to \$1 million. Is that correct?

23 THE DEFENDANT: Correct.

24 THE COURT: In this agreement you have also agreed
25 that you will admit to the forfeiture allegation with respect

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1 to Count 1 of the indictment. Is that correct?

2 THE DEFENDANT: Correct.

3 THE COURT: Therefore, you have agreed to forfeit to
4 the United States any and all property constituting the
5 proceeds that you obtained, either directly or indirectly, from
6 the charge described in Count 1. Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: In addition, in this agreement you have
9 limited in certain respects your ability to appeal from your
10 conviction. Specifically, you have agreed you will not file a
11 direct appeal, bring a collateral challenge, sometimes called a
12 habeas motion, or seek an application for a sentence
13 modification pursuant to Title 18 of the United States Code,
14 Section 3582 (c) of any sentence that is within or below the
15 guidelines range of 15 to 21 months imprisonment. Do you
16 understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: You have also agreed that you will not
19 appeal any term of supervised release that is less than or
20 equal to the statutory maximum of life, that you will not
21 appeal any fine that is less than or equal to \$1 million. Do
22 you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: In this agreement the government has
25 agreed that it will not file a prior felony information and

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1 that at the time of sentencing, it will dismiss any open counts
2 against the defendant. Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: There was another paragraph in this
5 agreement that was something I haven't seen before, so I just
6 want to make sure you're aware of it. It is a provision that
7 is set forth on Page 3 of the agreement that provides that if
8 you seek to qualify for relief from the mandatory sentencing
9 provisions of Title 21, pursuant to Title 18 of the United
10 States Code, Section 3553 (f), and any information that is
11 obtained as a result of that application would support a higher
12 guidelines range, then the government will not be bound by the
13 above-referenced stipulation regarding the appropriate
14 sentencing range and may offer into evidence information to
15 support a different guidelines range. I want to make sure that
16 you're aware of that. I haven't seen that before.

17 MR. ROSSMILLER: I can explain that.

18 It is my understanding that paragraph is included for
19 defendants who may apply for the safety valve, so-called safety
20 valve provision, but haven't done so. In other words, if a
21 defendant were to come in and attempt to receive the two-point
22 reduction under the safety valve, and their drug quantity would
23 go up significantly if when proffered about their involvement,
24 the new guidelines range would be subject to an increased
25 amount of drugs despite the reduction of the two sentencing

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1 guideline points.

2 THE COURT: I never seen this before.

3 MR. ROSSMILLER: It is a little unusual, but it is
4 there for cases like this.

5 THE COURT: I want to make sure Mr. Rodriguez
6 understands that.

7 MR. RICHLAND: I just discussed it with Mr. Rodriguez.
8 I have not seen it. He is not going to safety valve anyway. I
9 don't think it will make a difference. It is my understanding
10 that he does understand it.

11 THE COURT: Mr. Rodriguez, are there any questions or
12 do you want to speak to your attorney?

13 THE DEFENDANT: No.

14 THE COURT: I want to make sure everybody understands
15 what is going on here.

16 Mr. Rodriguez, the most important thing that you
17 understand is that the terms of this agreement, including any
18 recommendations or calculations related to sentencing, are not
19 binding on the sentencing judge and that the court may reject
20 those recommendations without permitting you to withdraw your
21 guilty plea and then may impose a more severe sentence.

22 Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: The sentencing judge is required to make
25 his own independent calculations under the sentencing

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1 guidelines and then impose a sentence based on what he believes
2 is the appropriate sentence for you even if that sentence is
3 different than the one set forth in this agreement.

4 Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: In determining that sentence, the court
7 will consider, in addition to the guidelines, any possible
8 departures from the guidelines, all of the factors set forth in
9 our sentencing statute found in Title 18 of the United States
10 Code, Section 3553 (a). Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: In addition, the court will consider the
13 presentence report prepared by the Probation Department in
14 advance of your sentencing. Before you are sentenced, you and
15 the government will have an opportunity to challenge the facts
16 set forth in that report.

17 Sir, now that you have been advised of the charges
18 against you, the possible penalties you face and the rights you
19 are giving up, is it still your intention to plead guilty to
20 Count 1 of the indictment?

21 THE DEFENDANT: Yes.

22 THE COURT: With respect to Count 1 of the indictment,
23 how do you plead?

24 THE DEFENDANT: Guilty.

25 THE COURT: Can you tell me in your own words what you

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1 did to make you believe you are guilt of that charge.

2 THE DEFENDANT: Yes. I along with others agreed to
3 sell cocaine in the Southern District between February 2014 to
4 February 2015, knowing it was illegal to do so in the Southern
5 District of New York.

6 THE COURT: You just read from a prepared statement.
7 I want confirm everything that you said is true and
8 complete?

9 THE DEFENDANT: Yes.

10 THE COURT: Is there anything else you'd like to tell
11 me?

12 THE DEFENDANT: No.

13 THE COURT: Does the government have any questions it
14 would like me to ask the defendant?

15 MR. ROSSMILLER: No.

16 THE COURT: Do you believe that is a sufficient plea
17 for the conviction?

18 MR. ROSSMILLER: I do, your Honor, yes.

19 THE COURT: Mr. Rodriguez, on the basis of your
20 responses to my questions and my observation of your demeanor,
21 I find you are competent to enter a guilty plea. I understand
22 you understand your rights, including your right to go to
23 trial, that you're aware of the consequences of your plea,
24 including the sentence that may be imposed, that you are
25 voluntarily pleading guilty and you have admitted you're guilty

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1 as charged in Count 1 of the indictment.

2 For these reasons, I will recommend that District
3 Judge Marrero accept your plea of guilty as to Count 1 of the
4 indictment. I assume the government will order a copy of the
5 transcript and submit it to Judge Marrero so he may act on my
6 recommendation?

7 MR. ROSSMILLER: Yes.

8 THE COURT: Has he set a sentencing date?

9 MR. ROSSMILLER: He has not, but we expect to set it
10 in early March.

11 THE COURT: Do you need a control date?

12 MR. ROSSMILLER: That will be fine.

13 MR. RICHLAND: That will be fine.

14 THE COURT: Why don't I give you a date in early
15 March.

16 MR. ROSSMILLER: Let me correct that. Early April. I
17 did my math wrong.

18 THE COURT: Early April, I'll set it for the 8th,
19 which is a Friday. I'll direct the presentence report be
20 prepared. Will you deliver the case summary for the purposes
21 of the presentence report to Probation within 14 days?

22 MR. ROSSMILLER: Yes.

23 THE COURT: Counsel, can you and your colleague be
24 available to be interviewed by Probation within the next 14
25 days?

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1 MR. RICHLAND: Yes.

2 THE COURT: Is there any objection to continuing the
3 present bail?

4 MR. ROSSMILLER: No.

5 THE COURT: Mr. Rodriguez, all of the conditions you
6 have released on up till now continue apply. Violation of
7 those conditions can have serious consequences, including
8 revocation of bail and prosecution for bail jumping. Do you
9 understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: If you commit a crime while released on
12 bail, that may lead to a more severe sentence if you get caught
13 committing the same crime at a different time. If you commit a
14 crime or violate your plea agreement in any way, you will be
15 subject to revocation by the government of your plea agreement,
16 with all of the consequences described in that agreement.

17 Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: Is there anything further from either
20 snide?

21 MR. ROSSMILLER: No, your Honor.

22 MR. RICHLAND: No, your Honor.

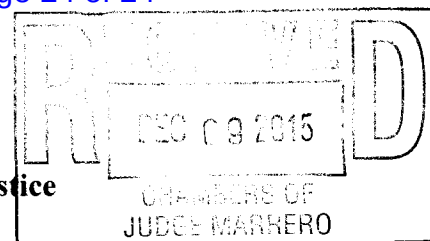
23 THE COURT: Thank you.

24 (Court adjourned)
25



U.S. Department of Justice

*United States Attorney
Southern District of New York*



*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 8, 2015

BY HAND

The Honorable Victor Marrero
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Anthony Rodriguez, 15 Cr. 076 (VM)*

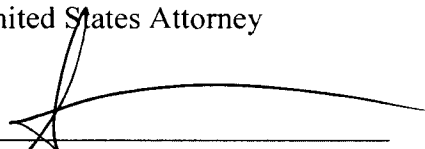
Dear Judge Marrero:

The Government respectfully submits this letter to request that the Court accept the guilty plea of the above-captioned defendant. The defendant pled guilty in front United States Magistrate Judge Sarah Netburn on November 30, 2015. Copies of the transcript of that proceeding, as well as a proposed Order, are attached hereto.

Respectfully submitted,

PREET BHARARA
United States Attorney

By:



Alex Rossmiller
Assistant United States Attorney
(212) 637-2415

cc. David Fisher, Esq., counsel to defendant (via Email)